Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

The invention claimed is:

1. (Currently amended) A method of killing a mammalian cell that expresses telomerase reverse transcriptase (TERT), comprising contacting the cell with a polynucleotide in which a promoter ~~sequence~~ controls transcription of a transcribable sequence ~~that~~ , the expression of which is toxic to the cell ~~or renders the cell more susceptible to toxicity of a drug~~;

wherein the promoter ~~has the property of causing the transcribable sequence to be expressed in cells endogenously expressing TERT, and~~ contains a nucleotide sequence that is at least 90% identical to the sequence from position -117 to position -36 from the translation initiation site (position 13545) of SEQ. ID NO:1;

and wherein the promoter causes the transcribable sequence to be expressed in cells endogenously expressing TERT.

2. (Currently amended) A method of killing a mammalian cell that expresses telomerase reverse transcriptase (TERT), comprising contacting the cell with a polynucleotide in which a promoter ~~sequence~~ controls transcription of a transcribable sequence ~~that~~ , the expression of which is toxic to the cell ~~or renders the cell more susceptible to toxicity of a drug~~;

wherein the promoter ~~has the property of causing the transcribable sequence to be expressed in cells endogenously expressing TERT, and~~ is either

a) contained in the APAI-FSPI fragment just upstream of the encoding sequence for human ~~telomerase reverse transcriptase (hTERT)~~ TERT in lambda phage GΦ5 deposited as ATCC Accession No. 98505; or

b) comprises a nucleotide sequence that hybridizes to DNA complementary to said APAI-FSPI fragment at 5 to 10°C below T_m in aqueous solution at 1 M NaCl followed by wash in 0.2 × SSC, wherein T_m is the melting temperature of the APAI-FSPI fragment in double-stranded form; and

wherein the promoter causes the transcribable sequence to be expressed in cells endogenously expressing TERT.

3. (Currently amended) The method of claim 2, ~~which~~ wherein said promoter hybridizes to lambda phage GΦ5 at 5°C below T_m in aqueous solution at 1 M NaCl.

4. (Original) The method of claim 2, wherein the promoter contains a nucleotide sequence that is at least 80% identical to the sequence from position -239 to position -36 from the translation initiation site of SEQ. ID NO:1.

5. (Original) The method of claim 1, wherein the promoter contains a nucleotide sequence that is at least 95% identical to the sequence from position -117 to position -36 from the translation initiation site of SEQ. ID NO:1.

6. (Currently amended) The method of claim 1, wherein the promoter contains the sequence from ~~position -117~~ position -239 to position -36 from the translation initiation site of SEQ. ID NO:1.

7. (Original) The method of claim 1, wherein the promoter contains the sequence from position -117 to position -36 from the translation initiation site of SEQ. ID NO:1.

8. (Original) The method of claim 1, wherein the promoter is between about 400 to 900 nucleotides in length.

9. (Original) The method of claim 1, wherein the promoter is between about 200 to 400 nucleotides in length.

10. (Original) The method of claim 1, wherein the promoter is between about 100 to 200 nucleotides in length.

11. (Currently amended) The method of claim 1, wherein the transcribable sequence encodes a protein selected from ~~the group consisting of~~ ricin, diphtheria toxin, other polypeptide toxins, ~~thymidine kinase, and an enzyme that induces~~ and enzymes that induce apoptosis.

12. (Canceled)

13. (Original) The method of claim 1, wherein the polynucleotide is an adenovirus vector.

14. (Original) The method of claim 1, wherein the cell is a cancer cell.

15. (Currently amended) A method of treating cancer in a subject, comprising contacting cancer cells in the subject that express TERT with a polynucleotide in which a promoter ~~sequence~~ controls transcription of a transcribable sequence ~~that~~ , the expression of which is toxic to the cell ~~or renders the cell more susceptible to toxicity of a drug~~;

wherein the promoter ~~has the property of causing the transcribable sequence to be expressed in cells endogenously expressing TERT, and~~ contains a nucleotide sequence that is at least 90% identical to the sequence from position -117 to position -36 from the translation initiation site (position 13545) of SEQ. ID NO:1;

and wherein the promoter causes the transcribable sequence to be expressed in cells endogenously expressing TERT.

16. (Currently amended) A method of expressing a transcribable nucleotide sequence in a mammalian cell expressing TERT, comprising contacting the cell with a polynucleotide in which the transcribable nucleotide sequence is operably linked to a promoter ~~sequence so as to cause it to be transcribed when the polynucleotide is in cells endogenously expressing human telomerase reverse transcriptase (hTERT)~~;

wherein the promoter, ~~has the property of causing the transcribable sequence to be expressed in cells endogenously expressing TERT, and~~ contains a nucleotide sequence that is at least 90% identical to the sequence from position -117 to position -36 from the translation initiation site (position 13545) of SEQ. ID NO:1;

and wherein the promoter causes the transcribable sequence to be expressed in cells endogenously expressing TERT.

17. (Canceled)

18. (Currently amended) A polynucleotide in which a promoter is operably linked to a heterologous sequence ~~so as to cause the heterologous sequence to be transcribed when the polynucleotide is in cells endogenously expressing human telomerase reverse transcriptase (hTERT)~~;

wherein the promoter is either

a) contained in the APAI-FSPI fragment just upstream of the encoding sequence for ~~human telomerase reverse transcriptase (hTERT)~~ human TERT in lambda phage GΦ5 deposited as ATCC Accession No. 98505; or

b) comprises a nucleotide sequence that hybridizes to DNA complementary to said APAI-FSPI fragment at 5 to 10°C below T_m in aqueous solution at 1 M NaCl followed by wash in 0.2 × SSC, wherein T_m is the melting temperature of the APAI-FSPI fragment in double-stranded form;

and wherein the promoter causes the heterologous sequence to be expressed in cells endogenously expressing TERT.

19. (Original) The polynucleotide of claim 18, which hybridizes to lambda phage GΦ5 at 5°C below T_m in aqueous solution at 1 M NaCl.

20. (Original) The polynucleotide of claim 18, wherein the promoter contains a nucleotide sequence that is at least 80% identical to the sequence from position -239 to position -36 from the translation initiation site of SEQ. ID NO:1.

21. (New) The method of claim 16, wherein the promoter contains the sequence from position -117 to position -36 from the translation initiation site of SEQ. ID NO:1.

22. (New) The method of claim 16, wherein expression of the transcribable nucleotide sequence renders the cell more susceptible to toxicity of a drug.

23. (New) The method of claim 16, wherein the transcribable nucleotide sequence is thymidine kinase.

24. (New) The method of claim 22, wherein the drug is ganciclovir.

25. (New) A method of killing a mammalian cell that expresses TERT, comprising rendering a mammalian cell that expresses telomerase reverse transcriptase (TERT) more susceptible to toxicity of a drug according to the method of claim 22, and then contacting the cell with said drug.

26. (New) A method of killing a mammalian cell that expresses TERT and that has been rendered more susceptible to toxicity of a drug according to the method of claim 22, comprising contacting the cell with said drug.

27. (New) The method of claim 26, wherein the promoter contains a nucleotide sequence that is at least 80% identical to the sequence from position -239 to position -36 from the translation initiation site of SEQ. ID NO:1.

28. (New) The method of claim 26, wherein the promoter contains the sequence from position -117 to position -36 from the translation initiation site of SEQ. ID NO:1.

29. (New) The method of claim 26, wherein the cell is a cancer cell.

30. (New) A method of treating cancer in a subject, comprising rendering cancer cells in the subject more susceptible to toxicity of a drug according to the method of claim 22, and then contacting the cells with said drug.

31. (New) A method of rendering a mammalian cell that expresses TERT more susceptible to toxicity of a drug, comprising contacting the cell with a polynucleotide in which a promoter sequence controls transcription of a sequence that encodes thymidine kinase;

wherein the promoter contains a nucleotide sequence that is least 90% identical to the sequence from position -117 to position -36 from the translation initiation site (position 13545) of SEQ. ID NO:1; and

wherein the promoter causes the transcribable sequence to be expressed in cells endogenously expressing TERT.

32. (New) A method of treating cancer in a subject, comprising rendering cancer cells in the subject more susceptible to toxicity of a drug according to the method of claim 31, and then administering ganciclovir to the subject.